

Application No.: 10/712590

Case No.: 59390US002

REMARKS

Claims 1-58 are pending.

Double Patenting Rejection over Jing et al. in view of Asawa

Claims 1-3, 7-22, 28-32, 36-51 and 57-58 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as purportedly unpatentable of claims of US Pat. Pub. No. 2005/0131097 (Jing) in view of JP 54-052690 (Asawa). Applicants enclose herewith a Terminal Disclaimer over US Pat. Pub. No. 2005/0131097 (Jing) in compliance with 37 CFR § 1.321. Applicants submit that the double patenting rejection has been overcome and should be withdrawn.

§ 103(a) Rejections over Jing et al. in view of Asawa et al.

Claims 1-2 and 7-58 stand rejected under 35 USC § 103(a) as purportedly unpatentable over US Pat. Pub. No. 2005/0131097 (Jing) in view of JP 54-052690 (Asawa). Since the Jing patent application was filed after the present application, it is not available as prior art. Therefore, the rejection should be withdrawn.

§ 103(a) Rejection over Yandrasits et al.

Claims 1-58 stand rejected under 35 USC § 103(a) as purportedly unpatentable over US Pat. Pub. No. 2005/0107488 (Yandrasits) taken alone. Since the reference patent application was filed on the same day as the present application, it is not available as prior art. Therefore, the rejection should be withdrawn.

Applicants note that claims 3-6, 8-12, 15-27, 32-35, 39-41 and 44-58 are subject to no rejection other than those addressed above and should therefore be allowed with the withdrawal of the rejections addressed above.

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§ 103(a) Rejection over Asawa et al.

Claims 1-2, 7-9, 13-14, 28-31, 36-38 and 42-43 stand rejected under 35 USC § 103(a) as purportedly unpatentable over JP 54-052690 (Asawa) taken alone. Applicants respectfully traverse.

In order to establish a prima facie case of obviousness of a claim, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art."). In the present case, Applicants submit that no prima facie case of obviousness has been established because the cited reference fails to teach or suggest claim limitations required in the rejected claims.

Each of the pending claims requires step b) recited in claim 1: "exposing said fluoropolymer to electron beam radiation so as to result in the formation of crosslinks." As the previous Office Action acknowledges, "Asawa does not expressly teach using electron beam irradiation for crosslinking the polymer." (March 9, 2005, Office Action at page 3). Applicants submit that, because the cited reference fails to teach or suggest claim limitations required in all of the rejected claims, no prima facie case of obviousness has been established, and the rejection should be withdrawn.

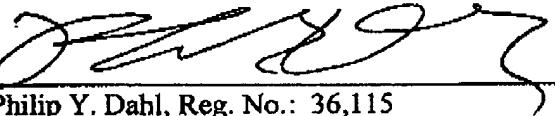
The present Office Action argues further that Asawa inherently teaches or renders obvious the use of electron beam radiation where it teaches the use of "ionizing radiation." However, the cited passage in Asawa states, "The copolymer of vinyl ester containing iodine . . . the fluoridated (sic) olefin . . . and the fluorine containing monomer which has an ion exchange group . . . is obtained . . . [by] means of polymerization initiation sources equivalent to ultraviolet rays and ionizing radiation." (Asawa translation at pages 10-11.) This passage relates to the initiation of polymerization of the polymer used in Asawa. This passage does not relate to crosslinking of any polymer. Thus, Asawa contains no teaching or suggestion of the use of "ionizing radiation" for crosslinking. More specifically, Asawa contains no teaching or suggestion of step b) recited in claim 1: "exposing said fluoropolymer to electron beam radiation so as to result in the formation of crosslinks." For the foregoing reasons, these rejections have been overcome and should be withdrawn.

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In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application is requested.

Respectfully submitted,

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February 13, 2006

Date

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